

**COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE
MINUTES
OCTOBER 18, 2006**

TIME AND PLACE: The meeting of the Committee of the Joint Boards of Nursing and Medicine was convened at 9:10 A.M. in Board Room 1, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

MEMBERS PRESENT: Judith E. Piersall, R.N., B.S.N., Chairperson
Sandra Anderson Bell, M.D. (arrived at 9:50 a.m.)
Woody B. Hanes, R.N., M.S.N., F.N.P.
Jane E. Piness, M.D.
Patricia M. Selig, R.N., F.N.P., Ph.D

MEMBERS ABSENT: Patrick W. Clougherty, M.D.

ADVISORY COMMITTEE MEMBERS PRESENT: Elaine Ferrary, R.N., L.N.P.
Lynn Poole, R.N., F.N.P.

ADVISORY COMMITTEE MEMBERS ABSENT: Peter Boling, M.D.
David O. Dick, R.N., C.R.N.A.
Jennifer L. Bennett, M.D.
Barbara Kirkland, R.N., L.N.P.
Steven B. Powers, M.D.
Chip Williams, M.D.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Charlotte Creed, Office Manager
Donna M. Lee, Senior Discipline Specialist

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General
Tyler Cox, Medical Society of Virginia
Leslie Herdegen, Virginia Association of Nurse Anesthetists
Michele Satterlund, Virginia Council of Nurse Practitioners
Becky Bowers-Lanier, representing Certified Nurse Midwives

ESTABLISHMENT OF A QUORUM: With five (5) members of the Committee present, a quorum was established.

ORDERING OF AGENDA: Ms. Douglas amended the agenda to add under New Business, the discussion of a letter sent by Dr. Kelleher regarding Supervision and Site Visits of Nurse Practitioners. The agenda was reviewed and ordered.

PUBLIC COMMENT: No public comments were received at this time.

DISPOSITION OF
MINUTES:

Ms. Hanes moved to consider the minutes of April 19, 2006. The motion was seconded and carried unanimously.

OLD BUSINESS:

Update regarding National Council of State Boards of Nursing Advance Practice Task Force Vision Paper:

Ms. Douglas informed the Committee that the Vision Paper did not go forward to be presented and that the Advisory Panel will continue to meet and discuss educational issues. Ms. Douglas further stated that the National Council of State Boards of Nursing plan to meet January or February of 2007 to identify solutions about regulatory terms and will receive input from holders.

Status of Nurse Practitioner Audit of Practice Protocols and Continuing Education:

Ms. Douglas stated to the Committee that the Board of Nursing sent two mailings out to licensed nurse practitioners advising them about practice protocols, continuing education requirements, and a pending audit. Ms. Douglas further stated that judging by the telephone and e-mail responses, the mailing has served as an educational effort to clarify to nurse practitioners the protocol and continuing education requirements. The audit will be sent out within the next month and a response will need to be received by the Board of Nursing within 30 days from receiving the audit.

Prescriptive Authority Expanded to Schedule II for Licensed Nurse Practitioners:

The Drug Enforcement Agency (DEA) has been informed that the law has changed and nurse practitioners have prescriptive authority for Schedule II drugs. The Board of Nursing file can be accessed by DEA electronically via a secured website to verify the schedules that a nurse practitioner has been approved for.

NEW BUSINESS:

Consideration of Notice of Intended Regulatory Action (NOIRA) for Treatment Guidelines for Chronic Pain Management:

A NOIRA for the Treatment Guidelines for Chronic Pain Management has been developed. There is currently a guidance document on the Board of Medicine website pertaining to pain management. The NOIRA will propose establishing regulations for treating chronic pain with opiates. The NOIRA will be presented at the Board of Medicine board meeting on October 19th and also presented to the Board of Nursing at its board meeting in November. An Ad Hoc Committee will be established to review regulations for the Boards of Medicine and Nursing pertaining to pain management.

Dr. Piness motioned to adopt the NOIRA for Treatment Guidelines for Chronic Pain Management and recommended that it be presented at the next board meeting for the Board of Medicine and the Board of Nursing. The motion was seconded and carried unanimously.

The Committee recommended that Ms. Poole, F.N.P., member of the Advisory Committee, be appointed to serve on the Ad Hoc Committee that will be established to review regulations pertaining to Treatment Guidelines for Chronic Pain Management. Ms. Poole accepted the appointment.

Proposed Regulation 18 VAC 90-30 (Regulations Governing the Licensure of Nurse Practitioners) to replace Emergency Regulations related to Practice of Certified Nurse Midwives:

The proposed regulations would replace the current emergency Regulations for 18 VAC 90-30. Dr. Piness motioned that the proposed regulations be amended to remove under 18 VAC 90-30-121(E) the wording “e.g., chart review” and that the amended proposed regulations be adopted to replace the current emergency regulations for 18 VAC 90-30. The motion was seconded and carried unanimously.

Fast Track Regulation on Provisional Licensure:

Ms. Douglas explained to the Committee that the Fast-Track Regulation on Provisional Licensure specifies a timeframe for provisional licenses and that it is a good system. A motion was not necessary.

Proposed 2007 Meeting Dates:

The proposed meeting dates were provided as information.

Wednesday, February 21, 2007	9:00 AM
Wednesday, April 11, 2007	9:00 AM
Wednesday, June 20, 2007	9:00 AM
Wednesday, October 17, 2007	9:00 AM
Wednesday, December 5, 2007	9:00 AM

Letter from Dr. Kevin J. Kelleher, M.D. – Regarding 18 VAC 90-40-100:

Ms. Douglas informed the Committee that she receives numerous telephone calls from people interested in starting clinics to be staffed by nurse practitioners. Ms. Douglas explained that pursuant to the regulations and law, a for-profit business would require a physician to regularly practice in that location. The letter from Dr. Kelleher addresses his concerns about 18 VAC 90-40-100 and the exceptions to this requirement. Dr. Kelleher has been advised that the statutes outline the requirements for a profit and non-profit business. Mr. Casway confirmed that in Virginia the statutes are very clear as to the separate requirements for a profit and non-profit business. The Committee directed Ms. Douglas

to write a letter to Mr. Kelleher outlining the requirements as stated in the statutes and regulations.

ADJOURNMENT: The meeting adjourned at 10:15 A.M.

Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Board of Nursing

VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE OF THE
COMMITTEES OF THE JOINT BOARD OF NURSING AND MEDICINE
MINUTES
OCTOBER 18, 2006

TIME AND PLACE: The meeting of the Special Conference Committee of the Committees of the Joint Boards of Nursing and Medicine was convened at 1:00 P.M., in Conference Room 1, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

MEMBERS PRESENT: Judith E. Piersall, R.N., B.S.N., Chairperson
Jane E. Piness, M.D.
Woody B. Hanes, R.N., M.S.N., F.N.P.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.N., C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline
Anne Joseph, Deputy Director, Administrative Proceedings Division

CONFERENCE
SCHEDULED: **Tiffany Termeer-Brownlee, R.N. 0001-185937; L.N.P. 0024-165869**
Ms. Termeer-Brownlee did appear and testified.

CLOSED MEETING: Ms. Hanes moved that the Special Conference Committee of the Committees of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the Code of Virginia at 2:10 P.M. for the purpose of deliberation to reach a decision in the matter of Ms. Termeer-Brownlee. Additionally, Ms. Hanes moved that Ms. Douglas and Ms. Mitchell attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Committee in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 2:50 P.M.

Ms. Hanes moved that the Special Conference Committee of the Committees of the Joint Boards of Nursing and Medicine certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

ACTION: Ms. Hanes moved to place Ms. Termeer-Brownlee on indefinite probation in her practice as a professional nurse.

The motion was seconded and carried.

Dr. Piness moved to offer Ms. Termeer-Brownlee a consent order for indefinite suspension of her nurse practitioner license until such time as she can appear before the Joint Boards of Nursing and Medicine and provide proof she is safe and competent to practice.

The motion was seconded and carried.

ADJOURNMENT: The meeting was adjourned at 2:55 P.M.

Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline

**VIRGINIA BOARD OF NURSING
SPECIAL CONFERENCE COMMITTEE OF THE
COMMITTEES OF THE JOINT BOARD OF NURSING AND MEDICINE
MINUTES
October 18, 2006**

TIME AND PLACE: The meeting of the Special Conference Committee of the Committees of the Joint Boards of Nursing and Medicine was convened at 10:20 A.M., in Conference Room 1, Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.

MEMBERS PRESENT: Jane Piness, M.D.
Sandra A. Bell, M.D.
Patricia M. Selig, R.N., F.N.P., Ph.D.

STAFF PRESENT: Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director, Discipline

PRESENTED FOR CLOSURE:

CLOSED MEETING: Dr. Selig moved that the Special Conference Committee of the Committee of the Joint Boards of Nursing and Medicine convene a closed meeting pursuant to Section 2.2-3711(A)(28) of the *Code of Virginia* at 10:20 A.M. for the purpose of deliberation regarding case disposition. Additionally, Dr. Selig moved that Ms. Mitchell attend the closed meeting because her presence in the closed meeting is deemed necessary, and her presence will aid the Committee in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Committee reconvened in open session at 10:35 A.M.

Dr. Bell moved that the Special Conference Committee of the Committee of the Joint Boards of Nursing and Medicine certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Investigative reports regarding two licensed nurse practitioners were reviewed.

ACTION: Dr. Piness moved to close the above cases due to insufficient evidence to support allegations of any violation of the Nurse Practice Act or Board of Nursing regulations.

The motion was seconded and carried unanimously.

ADJOURNMENT: The meeting was adjourned at 10:40 A.M.

Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director, Discipline